

1901-017  
Lee Co.

Chancery Causes: Octavia Chadwell vs. Peter Chadwell

Nevils, Frost, Estep, Sutton

CA-Divorce

T-Vice



To the Hon. H. A. W. Skeen, Judge of the  
Circuit Court for Lee County, Virginia.

Octavia Chadwell, the wife of Peter Chadwell,  
complaining, sheweth to the court:

That she is now, and hath been for the twelve  
months next-preceding the institution of this suit  
a citizen and resident of the County of Lee and  
State of Virginia; that on the       day of  
189, she was married to the said Peter Chadwell.  
that during all that-time she has been unto  
her said husband a faithful and devoted wife,  
and has borne <sup>unto</sup> him two children, to wit: James  
now seven years of age and Effie, two years old.

Your oratrix does not pretend that during  
her married she has wholly faultless, or that she  
is free from the common infirmities of human  
nature, but she does aver and charge that she has  
never given to her husband provocation to bad treatment,  
or that except when driven to desperation by his ~~bad~~  
cruel and relentless conduct; she has been other than a  
loving, obedient and gentle wife. She does not pretend that  
her love for him, which was once so strong, has survived the  
course abuse, the cold neglect, the public mortification, the  
want and suffering which her husband has inflicted upon  
her, and subjected her and her young children to. Your  
oratrix does aver on the other hand that for years her said  
husband has been abusive and violent to her even to  
blows, that he has failed to provide for her wants and those  
of her children, that he has withheld the means to purchase  
food and raiment in quantities and of a quality sufficient  
to provide your oratrix and her children in such condition  
as from his means and their position in life, your oratrix had



1 reason to expect - and right - to demand.

2 Your oratrix further avers that by reason of her husband's  
3 brutal treatment she is and has been in great danger of her  
4 health and even of her life; that time and again she has  
5 been compelled to flee from his house and to seek shelter  
6 and protection from him. She further avers and  
7 charges that while her two little children are now with her  
8 at her father's house, that her said husband makes  
9 constant threats that he will ~~also~~ take them from her under  
10 her control, yet he well knows that said children stand  
11 in daily need of a mother's care and attention by reason  
12 of their tender years. As for your oratrix, he sometimes  
13 orders her to return, and again submit herself to his will,  
14 and risk her life and health to his abuses; and at other  
15 times her that she shall never again darken his doors.

16 As it is, whether she goes or stays, your oratrix's life  
17 can but be one of misery. She owes it, however, to her children  
18 as well as to herself, that she should seek the courts' protection,  
19 and should through it obtain the means of support from  
20 her husband, the property custody of her children, and  
21 exemption from his threats and fear of his control.

22 Your oratrix avers that she is without the means of  
23 support; and is now upon the charity of friends; that her husband,  
24 the said Peter Chadwell, is a man of means, owning considerable  
25 real and personal property to-wit: a farm situated in Lee  
26 County, Va. about 23 miles west of Jonesville and  
27 about 2½ miles south of the G & N. R. R. and being  
28 the land purchased by the said Peter Chadwell  
29 on the 30 day of Jan. 1894, from William Estep  
30 and wife, the deed to which is recorded in the county  
31 court clerk's office of said County in Deed Book  
32 No. 35, page 27. Besides horses and cattle and other



1 personal property. the exact-description whereof your  
2 oratrix does not know.

3 Your oratrix is also informed, believes, and so charges,  
4 that the annual income of the said Peter Chaswell  
5 from his property amounts to the sum of \$250<sup>00</sup>.

6 I in consideration whereof, and for as much as your  
7 oratrix is remediless save in a court of equity, she  
8 prays that the said Peter Chaswell may be made a  
9 defendant to this bill, and be required to answer  
10 the same, but not on oath, the same being hereby  
11 waived; that he be restrained and inhibited from  
12 interfering with or in any way molesting your oratrix  
13 and her children who are with her; that your oratrix  
14 may be divorced from the said Peter Chaswell, a mensa et thoro;

15 ~~that~~ he at once, and pending this suit, be compelled  
16 to pay such sums of money, as temporary alimony, as may  
17 be sufficient for the support of your oratrix and her  
18 children, and such other sums of money as may be required  
19 to pay the costs of this suit and the fees of counsel  
20 proper to be paid to carry on this suit; that he may  
21 be compelled to make permanent provision for the  
22 support of your oratrix and her children as may be  
23 just and right; and to secure the regular, prompt  
24 and safe payment of ~~such~~ the same in such way as  
25 may to the Court appear to be effectual; and that all  
26 such further and general relief may be afforded to  
27 your oratrix as may be just and right in the premises,  
28 and your oratrix will ever pray, etc.

29 J. C. Noel P. q.  
30  
31  
32



Octavia Chadwell, Plff

vs

Peter Chadwell, Deft

In Chancery.

This cause came on this 10<sup>th</sup> day of Oct- 1901, to be heard in  
at Big Stone Gap, Va.  
vacations upon the complainant's bill; and for reasons appearing  
to the Court, it is adjudged ordered and decreed that the defendant  
forthwith pay to the plaintiff the sum of fifty dollars to enable her to  
pay the costs of this suit and fees of counsel proper to be paid to  
carry on this suit; and that he be restrained and inhibited  
from molesting or interfering <sup>with</sup> the plaintiff and her children  
during the pendency of this suit; it is further adjudged ordered  
and decreed that the defendant be restrained and inhibited  
from selling or otherwise aliening the tract of land purchased by  
him from William Estep & wife, on Jan 30, 1894, until after the  
termination of this suit.

H. A. W. S. Keen Judge

of Lee County Circuit Court

Do

A. B. Munsey, Clerk

1900 to 1910

Octavia Chadwell

vs Billon Chancery

Peter Chadwell



TO THE HON. H.A. W. SKREEN , Judge of the Circuit Court of Lee  
County Virginia.

The demurrer and answer of Peter Caddell to a bill filed in  
this Honorable Court against him, by Octavia Chaddell. Respondent  
says that said bill is not sufficient in law to call upon him  
to answer in this Honorable Court and of this he prays judgment  
of the Court. But should any other or further answer be neces-  
sary answering he says, that it is true that he and the plaintiff  
were married  
on the --- day of --- 18-- , and that two children, James and  
Effie have been born to him and his said wife, aged 7 and 3 respect-  
ively; but it is not true that the plaintiff has been to him a  
faithful and devoted wife during all of said years; and it is not  
true that he has ever driven his said wife to desperation by his  
cruel and relentless conduct, nor is it true that she has been  
to him a loving, obedient and gentle wife, nor is it true that  
he has coarsely abused, and coldly rejected her to her public  
mortification, or that he has inflicted upon and subjected her  
and her young children to want and sufferance or that he has ever  
been abusive and violent to her or inflicted upon her blows, or  
fail to provide for her wants or those of her children, or has  
at any time failed to properly provide for her and her said children,  
or has in any manner mistreated her or said children. Your  
respondent will now show unto your Honor that when he  
married the plaintiff some eight years ago he had but little means  
or property but by hard work and strict economy he has acquired  
a small tract of land worth perhaps \$800.00 and owns a small  
amount of personal property. That his said wife some four or five  
years ago, without cause, became restless and dissatisfied, and  
left home; that she has repeatedly left home since then, and that  
he has repeatedly gotten his neighbors to talk to her and persuade  
her to return to his home. She would leave and be gone of nights  
and he would not know where she was. She has abused your respondent  
and violently treated him, to all of which he has submitted and  
used all the means in his power to reconcile and reform her,



and during all of this mis-conduct upon her part, and ill treatment from her toward him, he has not mistreated her but has done every thing in his power to reconcile her and to cause her to remain at home and conduct herself as a wife should. Finally during the last October term of the County court, while your respondent was an attendant upon said court as a witness she left home and went to her father's, Bishop Nevels, and took the two children with her where she still remains and refuses to return to her home, though he has tried through the interposition of friends to induce her to return.

Your respondent reiterates his denial of any misconduct or improper treatment upon his part toward his said wife, and again alleges that her mistreatment and abuse of him at home and her willful abandonment of his home and bed and board, has been without cause and he respectfully submits that her demand in her bill for money to pay costs of suit and fees of counsel to carry on a suit unnecessarily and unjustly brought by her, should not be accorded to her; and that her like demand for permanent provision for the support of herself and children should not be granted, because she has left her home without cause and your respondent would gladly provide for her and the said children at his home if she would return and live with him as she should.

Your respondent is informed, believes and alleges that the said plaintiff is making ready to leave the state and go beyond the jurisdiction of the court to the state of Missouri, and that her intentions are to take with her his little children. <sup>3</sup> The of prayer your respondent is that the court take cognizance of these facts and that upon the filing of this answer the injunction order granted by the court on the 10th day of Oct. 1901, be set aside and annulled; that the said plaintiff be restrained and inhibited from taking or removing said children beyond the jurisdiction of this court until the final termination of



this cause, and that upon a final ~~hearing~~ hearing such order and decree be then made as may seem just and proper, and that your respondent be granted custody of said children, the said plaintiff not being <sup>a</sup> proper person to have custody of the same.

Your respondent asks that this answer, if necessary, be treated as a cross bill, and the plaintiff required to answer the same but not on oath, that being waived, and that the relief herein prayed for be granted your respondent, and that such further and general relief be granted as he may be entitled to.

And now having answered he prays to be dismissed with reasonable costs, &c-

Virginia:

County of Lee to-wit:

This day personally appeared before me, A. B. munsey, clerk of the Circuit Court of Lee County Virginia, Peter Chaddell whose answer is above written, and made oath that the statements contained in said answer, so far as made of his own knowledge, are true; and so far as made from the knowledge or information derived from others he believes to be true.

Given under my hand this the 8th day of November, 1901.

*Ans & Irvine &  
A M Gouss, Jr*  
A. B. Munsey - Clerk.



Peter Chadwell

ad. { Answer

Octavia Chadwell

Filed in open Court  
and by leave thereof  
November 11th 1901

A B Mursey Clerk



Octavia Chadwell Plff

vs

Peter Chadwell Def't

} on Chancery

This cause came this day to be heard upon the plaintiff Bill, and the answer of the defendant and the exhibits filed therewith, and was argued by counsel. On consideration of which and for reasons appearing to the court it is adjudged ordered and decreed that the restraining order entered in this cause in vacation at Big Stone Gap on 10 day of Oct. 1901 restraining and inhibiting the defendant from molesting or interfering with the plaintiff and her children, and restraining and inhibiting the defendant from selling and disposing and aliening the lands mentioned in said order, be and is hereby dismissed, dissolved, and that the plaintiffs bill be dismissed with the right for the plaintiff to have the same reinstated and amended, if she shall find the same necessary to protect her person from abuse, or the misconduct of said defendant. It is further adjudged ordered and decreed that the plaintiff recover from the defendant for the benefit of the officers of the court, and her counsel J. C. Koch, <sup>the sum of \$50.00</sup> and that the



execution for the same may issue in favor  
of said counsel and officers of said court, ~~and~~  
against said defendant; if the said  
Judgment be not paid in <sup>thirty</sup> ~~fifty~~ days  
after the adjournment of this term of  
the court. ~~And this cause is dismissed~~  
~~from the docket.~~ It is further <sup>adjudged</sup> ordered  
and decreed that the plaintiff deliver  
up to the defendant the said children  
~~and that~~ with the right reserved to the  
plaintiff to visit said children as often  
as she shall desire without molestation  
from the defendant. And this cause  
is stricken from the docket.

Walter A. Chadwell  
of Decree

Peter Chadwell

Entered C.O.B.  
No. 7 page 40.

Entered this Nov.

15-1901

H. A. W. Skane  
Judge.



Virginia: Lee County. To wit:

I, M. C. Brooks a justice of the peace in and for the county aforesaid and State of Virginia do certify that Cornie Frost and Julie Estep personally appeared before me and made oath that they have heard Octava Chadwell wife of Peter Chadwell say that it was her intention to move to the State of Missouri and offered to sell them some house furniture, beds chairs &c. since ~~given under~~ her separation from her husband.

Given under my hand this Nov. 9th 1901.

M. C. Brooks J. P.



Peter Chadwell  
vs } Affidavit

Octavia Chadwell

Filed in open Court  
and by leave thereof  
November 11<sup>th</sup> 1901

A B Mursey Clerk



VIRGINIA: Lee County , to-wit:

I, M. C. Brooks, a justice of the peace in and for the county  
aforesaid in the State of Virginia do certify that *Rachel Sutton*  
*Matilda Chadwell* -----

personally appeared before me and made oath that they have heard  
Octava *Chadwell*, wife of Peter *Chadwell*, say that it is her in-  
tention to take her children and move to the state of Missouri,  
or words to that effect. <sup>and</sup> These statements were made by the

said Octavia Chadwell since her separation from her husband.

*Matilda Chadwell* <sup>before and</sup> ~~say before her separation~~  
Given under my hand this November 7 1901.

*M. C. Brooks* J.P.

*Peter Chadwell*  
*deponent*  
*Octavia Chadwell*  
Filed in open Court  
and by leave thereof  
*November 11th 1901*  
*A. J. Munnery Clerk*



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*Peter Chadwell*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the  
said court, on the *3rd* Monday in *October* 1901, to answer a bill in  
chancery exhibited against *him* in our said court by *Octavia*  
*Chadwell*

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house,  
the *11th* day of *October* 1901, and in the 12<sup>*6th*</sup> year of the Common-  
wealth. A copy, Teste:

*A B Munsey* Clerk.  
Clerk.



The defendant Peter Schadwell is restrained and inhibited from molesting, or interfering with the plaintiff and her children during the pendency of this suit and from selling or otherwise aliening the tract of land purchased by him from William Estep and wife on January the 30th 1894, until after the termination of this suit.

Witness A B Munsey Clerk of our said Court at the Court-house the 11th day of October 1901, and in the 126th year of the Commonwealth.

A B Munsey Clerk

Petasia Schadwell

VS.

SUBPOENA  
IN CHANCERY.

Peter Schadwell

J. C. Noel

P. Q.

To 2nd October Rules.

1901. Circuit Court.

OCT 18 - 1901

Executed by

Living

Peter Schadwell

a copy of the within

to Peter Schadwell

McDonald

J. R. McDonald, D. S.  
for W. F. Milcham  
S. L. C.